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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/033,669	04/26/79	KUNG P	ORTH345

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EXAMINER	
FAGELSON, A	
ART UNIT	PAPER NUMBER
125	18

DATE MAILED: 12/07/81

MAILED

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

JAN 8 1982

GROUP 120

☒ This application has been examined. ☒ Responsive to communication filed on July 6, 1981 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892
- ☐ Notice of Informal Patent Drawing, PTO-948
- ☐ Notice of References Cited by Applicant, PTO-1449
- ☐ Notice of Informal Patent Application, Form PTO-152

5. ☐ _____

Part II SUMMARY OF ACTION

- ☒ Claims 1-3, 15-18, 22-31 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☒ Claims 1-3, 23, 24, 27*, 28*, 29*, 30* are allowed if amended as indicated
- ☒ Claims 15-18, 22, 25, 26, 31 are rejected.
- ☐ Claims _____ are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☐ The formal drawings filed on _____ are acceptable.
- ☐ The drawing correction request filed on _____ has been ☐ approved. ☐ disapproved.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has
☐ been received. ☐ not been received. ☐ been filed in parent application, serial no. _____
filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

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The specification is objected to for the reasons set forth in the last office action paper no. 10 of 4/1/81 as including insufficient matter to support claims to an antibody produced by a hybridoma that is not selectively defined by the parameters of the disclosure. It is submitted that each hybridoma produces a distinctive antibody. While it may recognize some antigens (or cells) in common with other antibodies, it is doubtful that it is in fact the same, or recognizes all of the same antigenic sites.

Claims 22 and 31 are rejected under 35 USC 112, first paragraph as being based upon an insufficient disclosure for the reasons above set forth.

Claims 15-18 and 25, 26 are rejected under 35 USC 103 as being obvious from Koprowski (B) or (C) in view of Lampson. Although, the invention is not identically disclosed or described as set forth in section 102 of this title, the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Koprowski shows the methods of preparing hybridomas and securing antibodies therefrom. The known method is not rendered patentable by employing a

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different antigen such as that of Lampson to prepare the antibody.

Claims 22 and 31 are rejected under 35 USC 103 as being obvious from Williams, Lampson or McMichael who show hybridoma preparation and antibodies which react with T cells. Although, the invention is not identically disclosed or described as set forth in section 102 of this title, the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Claims 29 and 30 may be deemed allowable if presented in independent form.

Fredman Bobbrove and Brochier are acted to further show the state of the art.

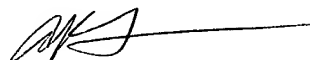
Claims 1-3 23 and 24 are deemed allowable as at present advised.

Fagelson:ajr

A/C 703

557-2575

12-2-81


Anna P. Fagelson
Primary Examiner
Art Unit 125